

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

BRANNON FINNEY,

Plaintiff,

v.

BRYAN R. HOWEY, and his marital
community,

Defendant.

Case No. 3:20-cv-00289-SLG-KFR

ORDER RE MOTION FOR RECONSIDERATION

Before the Court at Docket 33 is Defendant's Motion for Reconsideration of the Court's Order re Report and Recommendation at Docket 31. Defendant asserts that the burden of establishing subject matter jurisdiction always rests with the plaintiff. Regardless of who bears that burden, the Court has found that it has subject matter jurisdiction in admiralty over this contract dispute regarding the temporary transfer of a Limited Entry Permit for commercial fishing, as "the nature of the transaction was maritime."¹ Therefore, the motion to reconsider is DENIED.

DATED this 29th day of December, 2022, at Anchorage, Alaska.

/s/ Sharon L. Gleason

UNITED STATES DISTRICT JUDGE

¹ *Norfolk Southern Railway Co. v. Kirby*, 543 U.S. 14, 24 (2004) (quoting *Exxon Corp. v. Central Gulf Lines, Inc.*, 500 U.S. 603, 611 (1991)).